

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- against -

mitsui & co. (u.s.a.), inc.,

Defendant.

08 Civ. 01854(RWS)

CONSENT DECREE

WHEREAS, plaintiff the United States of America has filed a complaint (the "Complaint") against defendant Mitsui & Co. (U.S.A.), Inc. ("Mitsui"), pursuant to 21 U.S.C. §§ 842(c)(1), 843(f)(2), 882(a), and 28 U.S.C. §§ 1345, 1355 and the equitable powers of this Court, seeking injunctive relief and civil penalties in connection with Mitsui's violations of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. § 801 et seq. (the "Act" or the "Controlled Substances Act of 1970") and its implementing regulations, 21 C.F.R. §§ 1301 et seq.; and

WHEREAS, Mitsui has read and approved this Consent Decree and consents to the terms of this Consent Decree; and

WHEREAS, the United States agrees to discontinue further litigation of this action in exchange for Mitsui's agreement to the terms set forth in this Consent Decree;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. Mitsui consents to this Court's exercise of subject matter jurisdiction over this action and personal jurisdiction over itself for purposes of this action.
2. Mitsui agrees to accept service of the summons and complaint by overnight express mail upon its undersigned counsel.

3. Mitsui agrees to the entry of a judgment (in the form attached hereto as Exhibit A) against it and in favor of the United States for the sum of \$30,000 (thirty thousand dollars) (the "Settlement Amount"), in full satisfaction of the allegations set forth in the Complaint of the United States. This Settlement Amount shall constitute a debt due and owing upon entry of this Stipulation and Order by the Court and is to be discharged by payment to the United States within ten (10) business days of the entry of this Stipulation and Order. Mitsui shall make such payment by electronic funds transfer pursuant to written instructions to be provided by the United States Attorney's Office, Southern District of New York.

4. Mitsui is enjoined from violating the Act and its implementing regulations.

5. This Consent Decree, and payment thereunder, shall be in full satisfaction of the civil claims alleged in the Complaint of the United States. Nothing contained in this Consent Decree is intended nor shall be construed as a waiver by the United States of its right to institute criminal action, or an administrative or judicial enforcement action against Mitsui for any past, present, or future violations of any statutes, rules or regulations administered by the United States. This Consent Decree does not relieve Mitsui of its responsibility to comply with any and all applicable federal, state, and local laws and regulations.

6. Mitsui and the United States acknowledge, understand, and agree that this Consent Decree sets forth the entire agreement between them.

7. Defendant acknowledges and represents that it does not rely and has not relied upon any representations or statements other than those contained herein, by the DEA, or any of the DEA's agents, officers, representatives or attorneys with regard to the subject matter, basis or effect of this Consent Decree. This Consent Decree shall be binding upon Mitsui and its legal

representatives, successors and assigns.

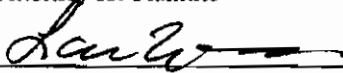
8. Each party shall bear its own costs and attorney's fees.
9. This Court shall retain jurisdiction over all matters concerning this Consent

Decree.

Dated: New York, New York
February 25 2008

MICHAEL J. GARCIA
United States Attorney
Southern District of New York
Attorney for Plaintiff

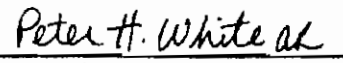
By:


LARA K. ESHKENAZI
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New York, New York 10007
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Lara.eshkenazi@usdoj.gov

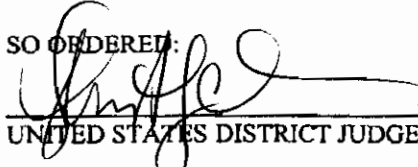
Dated: New York, New York
February 22, 2008

MAYER BROWN LLP
Attorney for Defendant

By:


PETER H. WHITE
Mayer Brown LLP
1909 K Street, N.W.
Washington, D.C. 20006
Tel. No. (202) 263-3391
pwhite@mayerbrown.com

SO ORDERED:


UNITED STATES DISTRICT JUDGE

(Part I)

3/3/08

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

Date:

In Re:

-v-

Case #:

()

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

by: _____

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

-V-	X X	<p>NOTICE OF APPEAL</p> <p>civ. ()</p>
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Notice is hereby given that _____
(party)
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the _____ day of _____, _____
(day) (month) (year)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL**

civ. ()

Pursuant to Fed. R. App. P. 4(a)(5), _____ respectfully
(party)
requests leave to file the within notice of appeal out of time. _____
(party)
desires to appeal the judgment in this action entered on _____ but failed to file a
(day)
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 2

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**NOTICE OF APPEAL
AND
MOTION FOR EXTENSION OF TIME**

civ. ()

1. Notice is hereby given that _____ hereby appeals to
(party)
the United States Court of Appeals for the Second Circuit from the judgment entered on _____.
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time
_____ respectfully requests the court to grant an extension of time in
(party)
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, _____ states that
(party)
this Court's judgment was received on _____ and that this form was mailed to the
(date)
court on _____
(date)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 3

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-----X
-V-
-----X

AFFIRMATION OF SERVICE

civ. ()

I, _____, declare under penalty of perjury that I have
served a copy of the attached _____

upon _____

whose address is: _____

Date: _____
New York, New York

(Signature)

(Address)

(City, State and Zip Code)

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006